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Approved for use through 10/31/2002 OMB 0651-0032  
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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	660336.91167
First Inventor	William F. McDonald et al.
Title	Antimicrobial Polymer
Express Mail Label No.	EL549850580US

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

- ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
*(Submit an original and a duplicate for fee processing)*
- ☒ Applicant claims small entity status.  
See 37 CFR 1.27.
- ☒ Specification [Total Pages **45**]  
*(preferred arrangement set forth below)*
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
- ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets **4**]
- Oath or Declaration [Total Pages **7**]
  - ☒ Newly executed (original or copy)  
Copy from a prior application (37 CFR 1.63 (d))  
*(for continuation/divisional with Box 18 completed)*
  - ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s)  
named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b)
- ☐ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

- ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
- Nucleotide and/or Amino Acid Sequence Submission  
*(if applicable, all necessary)*
  - ☐ Computer Readable Form (CRF)
  - Specification Sequence Listing on:
    - ☐ CD-ROM or CD-R (2 copies); or
    - ☐ paper
  - ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS


- ☐ Assignment Papers (cover sheet & document(s))
- ☐ 37 CFR 3.73(b) Statement of Attorney  
*(when there is an assignee)*
- ☐ English Translation Document *(if applicable)*
- ☒ Information Disclosure Statement (IDS)/PTO-1449 ☒ Copies of IDS Citations
- ☐ Preliminary Amendment
- ☒ Return Receipt Postcard (MPEP 503)  
*(Should be specifically itemized)*
- ☐ Certified Copy of Priority Document(s)  
*(if foreign priority is claimed)*
- ☐ Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
- ☐ Other.


18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

<input type="checkbox"/> Continuation	<input type="checkbox"/> Divisional	<input type="checkbox"/> Continuation in-part (CIP)	of prior application No. _____
Prior application information		Examiner _____	Group Art Unit _____

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number or Bar Code Label		or <input type="checkbox"/> Correspondence address below
Name		
26710		
PATENT TRADEMARK OFFICE		
Address		
City	State	Zip Code
Country	Telephone	Fax

Name (Print/Type)	Richard T. Roche	Registration No. (Attorney/Agent)	38,599
Signature		Date	Feb. 5, 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231

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**FEE TRANSMITTAL  
for FY 2002**

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$)**893.00****Complete if Known**

Application Number	
Filing Date	Filed Herewith
First Named Inventor	William F. McDonald
Examiner Name	
Group Art Unit	
Attorney Docket No.	660336.91167

**METHOD OF PAYMENT (check all that apply)**
☐ Check    ☐ Credit card    ☐ Money Order    ☐ Other    ☐ None  
☒ Deposit Account.

 Deposit Account Number  
 17-0055  
 Deposit Account Name  
 Quarles & Brady LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below    ☐ Credit any overpayments  
☐ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below except for the filing fee to the above-identified deposit account
**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 740	201 370	Utility filing fee	370
106 330	206 165	Design filing fee	
107 510	207 255	Plant filing fee	
108 740	208 370	Reissue filing fee	
114 160	214 80	Provisional filing fee	

**SUBTOTAL (1)** (\$)**370.00****2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
59	-20** = 39	x 9	= 351.00
4	-3** = 1	x 42	= 42.00
Multiple Dependent			

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 84	202 42	Independent claims in excess of 3
104 280	204 140	Multiple dependent claim, if not paid
109 84	209 42	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2)** (\$)**393.00**

\*\*or number previously paid, if greater. For Reissues, see above.

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for <i>ex parte</i> reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 400	216 200	Extension for reply within second month	
117 920	217 460	Extension for reply within third month	
118 1,440	218 720	Extension for reply within fourth month	
128 1,960	228 980	Extension for reply within fifth month	
119 320	219 160	Notice of Appeal	
120 320	220 160	Filing a brief in support of an appeal	
121 280	221 140	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,280	241 640	Petition to revive - unintentional	
142 1,280	242 640	Utility issue fee (or reissue)	
143 460	243 230	Design issue fee	
144 620	244 310	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	130
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))	
179 740	279 370	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$)**130.00****SUBMITTED BY**

Name (Print/Type)	Richard T. Roche	Registration No. (Attorney/Agent)	38,599	Telephone	414-277-5000
Signature	<i>Richard T. Roche</i>	Date	Feb. 5, 2002		

Complete (if applicable)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: William F. McDonald *et al.*  
Filed: Herewith  
For: ANTIMICROBIAL POLYMER  
Docket No.: 660336.91167

Statement Of Facts In Support Of Filing On Behalf Of Nonsigning Inventor (37 CFR 1.47(a))

I, Richard T. Roche, Registration No. 38,599, of Quarles & Brady LLP, am making this statement as to the exact facts that are relied upon to establish the diligent effort made to secure the execution of the declaration by the nonsigning inventor for the above-identified patent application before deposit thereof in the Patent and Trademark Office.

I have first-hand knowledge of the facts recited therein.

The nonsigning joint inventor who cannot be found or reached, Zhi-Heng Huang, has a last known address of 2225 Tahiti Drive, San Ramon CA 94583.

Details Of Efforts To Reach Nonsigning Inventor

On November 10, 2000, I sent patent application filing papers for another unrelated patent application to Zhi-Heng Huang, the nonsigning joint inventor who cannot be found or reached, at his last known address of 2225 Tahiti Drive, San Ramon CA 94583. He received the papers there and sent me back signed papers. On November 14, 2000, I also received an E-mail message from Zhi-Heng Huang that included his E-mail address. I was also provided with his phone and fax numbers at the 2225 Tahiti Drive, San Ramon CA 94583 address.

On June 18, 2001, I e-mailed a message regarding the signing of filing papers for the above-referenced application (Applicants: William F. McDonald *et al.* for: Antimicrobial Polymer, Docket No.: 660336.91167) to Zhi-Heng Huang at the e-mail address he previously

provided to me. I did not receive a response, and as of my signature date below, I still have not received a response.

On June 19, 2001, I called the telephone number which was previously provided to me by the nonsigning joint inventor, Zhi-Heng Huang, as the phone number at his last known address of 2225 Tahiti Drive, San Ramon CA 94583. The person answering the phone informed me that Zhi-Heng Huang had moved and did not leave a forwarding address or number.

On June 19, 2001, I faxed a letter to Zhi-Heng Huang at the fax number he previously provided to me. The fax did not go through, and when I called the fax number, I was informed that the line had been disconnected.

On January 9, 2002, the first named inventor, William F. McDonald, e-mailed me that he had "lost track of him [Zhi-Heng Huang]", and that "he [Zhi-Heng Huang] does not respond to email or anything else."

#### Conclusion

I believe that this supports a finding that the nonsigning joint inventor Zhi-Heng Huang cannot be found or reached.

Please charge the petition fee of \$130.00 (37 CFR 1.17(h)) to Deposit Account No. 17-0055.

Respectfully submitted,

Dated: Jan. 19, 2002

By: Richard T. Roche  
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